

UNITED STATES OF AMERICA	:	CRIMINAL COMPLAINT
	:	
v.	:	Mag. No. 06-6077 (RJH)
	:	
JONATHAN BURKE	:	

knowingly possess material which contained at least three images of child pornography, as defined in 18 U.S.C. § 2256, which were shipped and transported in interstate and foreign commerce, including by computer, and were produced using materials that were shipped and transported in interstate and foreign commerce, including by computer,

I further state that I am a Special Agent for United States Immigration and Customs Enforcement, and that this complaint is based on the following facts:

continued on the attached page and made a part hereof.

Signature of Judicial Officer

ATTACHMENT A

I, Mark Lubischer, a Special Agent with United States Department of Homeland Security, Immigration and Customs Enforcement (“ICE”), having conducted an investigation and discussed this matter with other law enforcement officers who have participated in this investigation, have knowledge of the following facts:

1. On or about May 25, 2006, law enforcement officers conducted a search of 99 Green Grove Avenue, Apartment 5A, Keyport, New Jersey, the residence of defendant JONATHAN BURKE (hereinafter “defendant BURKE”).

2. On or about May 25, 2006, law enforcement officers reviewed the contents of defendant BURKE’s computer hard drive. Among the files found on that hard drive, which was manufactured in China, were more than fifty (50) images of what appear to be child pornography, as defined by Title 18, United States Code, Section 2256(8). Three of the images, which were found on defendant BURKE’s hard drive, are described as follows:

- a. **Image Number One:** This image depicts a prepubescent female in a sexually explicit pose. The female is fully nude, with the exception of a necklace around her neck and white thigh-high stockings on her legs. She is visible from her head to her knees. The female is seated on a bed covered with a blue blanket adorned with yellow moons and suns. The female is leaning back on her elbows, which are resting on the bed, and her back is leaning against a stuffed animal appearing to be a dog. The legs of the female are parted, exposing her genital area, and her undeveloped breasts are also visible.
- b. **Image Number Two:** This image depicts a prepubescent female in a sexually explicit pose. The female is fully nude and is visible from her head to her feet. The female is seated on a bed with a blue patterned cover. The female is seated towards the left side of the bed, and leaning back on her hands. The legs of the female are parted, exposing her genital area, and her undeveloped breasts are also visible.
- c. **Image Number Three:** This image depicts a prepubescent female in a sexually explicit pose. The female is fully nude and is visible from her head to her feet. The female is seated on several towels that are placed on a tile floor in front of a front-loading washing machine. The female is leaning back against the washing machine, with her left hand grasping the counter edge above her head, and her right hand placed on the floor. The legs of the female are parted, exposing her genital area, and her undeveloped breasts are also visible.

3. Based upon my training and experience, and to the best of my knowledge, the images described in paragraphs 2a through 2c above, based upon their location and method of storage on defendant BURKE's computer hard drive, were downloaded from the Internet.

4. On or about March 25, 2006, while law enforcement agents were present in defendant BURKE's home, defendant BURKE admitted, in substance and in part, that he downloaded images of child pornography from the Internet.